

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MARGARET WEIDOW GENTRY, et al.,
Plaintiffs,

v.
GLENN GARNAND, et al.,
Defendants,

CV No. 18-1207 KG/CG

GLENN GARNAND,
Third-Party Plaintiff,
v.
LARRY BLANK and BEVERLY BLANK,
Third-Party Defendants,

STATE FARM AND CASUALTY CO.,
Plaintiff-Intervenor

v.
LARRY G. BLANK, GLEN GARNAND,
MARGARET WEIDOW GENTRY, et al.,
Intervenor-Defendants

SECOND SCHEDULING ORDER

In accordance with the Civil Justice Expense and Delay Reduction Plan adopted in compliance with the Civil Justice Reform Act, and pursuant to Title 28 U.S.C. § 473(a)(1), this case is assigned to an approximately **“180-day”** discovery track classification. Accordingly, the termination date for all discovery is **July 13, 2020**, and discovery shall not be reopened, nor shall case management deadlines be modified, except by an order of the Court upon a showing of good cause. This deadline shall be construed to require that discovery be completed on or before the above date. Before moving for an order relating to discovery, the parties may request a conference with the Court in an attempt to resolve the dispute. Service of interrogatories or requests for production shall be considered timely only if the responses are due prior to the deadline.

A notice to take deposition shall be considered timely only if the deposition takes place prior to the deadline. The pendency of dispositive motions shall not stay discovery.

The July 13, 2020, discovery termination date shall be segmented, at the request of all parties represented in this action. Specifically, discovery related to the **declaratory judgment action** shall take place during a 60-day time period, to be completed by **March 16, 2020**. In addition, discovery related to all counterclaims shall run concurrently with the discovery period for the declaratory judgment action, but shall extend for an additional thirty days, for a total time period of 90-days. As a result, Discovery related to the **counterclaims** shall end on **April 15, 2020**. All remaining discovery shall be completed by July 13, 2020.

Motions relating to discovery for the **declaratory judgment action** (including, but not limited to, motions to compel and motions for protective order) shall be filed with the Court and served on opposing parties by **April 15, 2020**. See D.N.M.LR-Civ. 7 for motion practice requirements and timing of responses and replies. This deadline shall not be construed to extend the twenty-day time limit in D.N.M.LR-Civ. 26.6. Motions relating to the **counterclaims** shall be filed with the Court and served on opposing parties by **May 18, 2020**. Finally, Motions relating to **all other discovery** shall be filed with the Court and served on opposing parties by **August 3, 2020**.

Plaintiffs, including Plaintiff-Intervenor, shall identify to all parties in writing any expert witness to be used by Plaintiffs at trial and to provide expert reports pursuant to FED. R. Civ. P. 26(a)(2)(B) no later than **April 14, 2020**. All other parties shall identify in writing any expert witness to be used by such parties at trial and to provide expert reports pursuant to FED. R. Civ. P. 26(a)(2)(B) no later than **May 14, 2020**.

Pretrial motions, other than discovery motions, shall be filed with the Court and served on the opposing parties by **August 13, 2020**. See D.N.M.LR-Civ. 7 for motion practice requirements and timing of responses and replies. Any pretrial motions, other than discovery motions, filed after the above dates shall, in the discretion of the Court, be considered untimely.

Plaintiffs, including Plaintiff-Intervenor, shall have until **February 14, 2020**, to join additional parties and to amend the pleadings. All other parties shall have until **March 16, 2020**, to join additional parties and to amend the pleadings. If documents are attached as exhibits to motions, affidavits or briefs, those parts of the exhibits that counsel want to bring to the attention of the Court must be highlighted in accordance with D.N.M.LR-Civ. 10.6.

Counsel are directed to file a consolidated final Pretrial Order as follows: Plaintiffs to Defendants on or before **September 18, 2020**; Defendants to the Court on or before **October 13, 2020**. Counsel are directed that the Pretrial Order will provide that no witnesses except rebuttal witnesses whose testimony cannot be anticipated, will be permitted to testify unless the name of the witness is furnished to the Court and opposing counsel no later than thirty (30) days prior to the time set for trial. Any exceptions thereto must be upon order of the Court for good cause shown.

IT IS SO ORDERED.



THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE